

II. FINDINGS OF FACT

2.1 Appellant Juan Serrano was a Media Assistant III in the Library Services Department and a permanent employee for Respondent Pierce College. Appellant and Respondent are subject to Chapters 41.06 and 41.64 RCW and the rules promulgated thereunder, Titles 251 and 358 WAC. Appellant filed a timely appeal with the Personnel Appeals Board on January 25, 2000.

2.2 By letter dated December 3, 1999, Alan Spence, Vice President for Administrative Services, informed Appellant that due to a lack of work and good faith reorganization for efficiency purposes, he was scheduled for layoff from his position effective December 31, 1999.

2.3 As a Media Technician III, the majority of Appellant's duties involved the delivery of televisions and VCRs to classrooms. In addition, he cleaned classroom audio/visual equipment, maintained the film library, and ordered software for faculty.

2.4 In late 1997, there was a decrease in the volume of media services deliveries and a need for new media services. Consequently, Deborah Gilchrist, Director of Library and Video Services, began considering ways to restructure the media department to meet the instructional needs of the institution. In the spring of 1998, Ms. Gilchrist proposed that televisions and VCRs be installed in all classrooms. Her proposal was not funded. However, in August 1998, \$14,000 was allocated to start upgrading and installing classroom equipment. The project began in the fall of 1998. In the spring of 1999, Ms. Gilchrist requested an additional \$20,000 to complete the project. Her request was granted.

2.5 Ms. Gilchrist talked to Appellant about the restructuring of media services in the spring of 1998. The driving factors in the reorganization was the evolving instructional techniques, the need to integrate new technology into the classroom and the need to be efficient in providing and using

resources. Appellant knew that the changes would affect his position and he proceeded to upgrade his skills by enrolling in computer classes.

2.6 At the beginning of the reorganization process, Respondent determined that a new position would be necessary. However, it was not clear until later into the process what duties and responsibilities the position would encompass. Eventually, Respondent determined that a Media Technician Senior position was needed to create media using computers and to function as a photographer, videographer, and multi-media specialist. Appellant applied for the new position, was interviewed, but was not selected.

2.7 As a result of the restructuring of media services, approximately 75 percent of Appellant's duties and responsibilities were eliminated. Of the remaining duties, 14 percent were assigned to the new position. The remaining duties were disbursed among other library/media positions.

III. ARGUMENTS OF THE PARTIES

3.1 Respondent argues that changes in technology required broad changes in the media services delivered to faculty and students. Respondent contends that prior to the reorganization, the department underwent a thorough review of the media services currently provided, considered the evolution in teaching techniques and technology, and considered the instructional needs and demands of faculty and students. Respondent further contends that it determined the new position was needed to provide the level and type of services necessary to support the evolving technology and instructional needs of the institution. As a result, Respondent asserts that it implemented a good faith reorganization for efficiency purposes that resulted in the elimination of Appellant's position. Therefore, Respondent contends that Appellant's layoff should be upheld.

3.2 Appellant agrees that the new position was needed in media services. However, he asserts that with the exception of the ability to perform digital design work, he possessed the skills and

1 knowledge needed to perform the duties assigned to the new position and he should have been
2 given an opportunity to do so. Appellant acknowledges that the requirements for his position
3 changed, but he asserts that he could have changed as well. Appellant argues that he tried to better
4 himself for the new position, but that he was never informed of the digital aspect of the new
5 position. In addition, Appellant argues that the reorganization and subsequent elimination of his
6 position was for disciplinary purposes.

7 8 **IV. CONCLUSIONS OF LAW**

9 4.1 The Personnel Appeals Board has jurisdiction over the parties hereto and the subject matter
10 herein.

11 4.2 In an appeal of a reduction-in-force, Respondent has the burden of proof. WAC 358-30-
12 170. Respondent has the burden of proving by a preponderance of the credible evidence that it laid
13 the employee off for the reason stated in the RIF letter. O’Gorman v. Central Washington
14 University, PAB No. L93-018 (1995).

15 4.3 It is not our function to determine whether the reorganization proposal itself was right or
16 wrong, but only to determine if the reorganization was done in good faith. George v. Dep’t of
17 Agriculture, PAB No L94-026 (1996).

18
19 4.4 In Amundsen v. Dep’t of Labor and Industries, PAB Case No. L85-1 (1985), aff’d (Thurston
20 Co. Super. Ct. No. 85-2-02185-9 (1987), the appointing authority determined, upon the
21 recommendation of an assistant, that to accomplish the revised goals of his administration, a
22 position could be better used if it was reallocated to another class. The Board held that it is not the
23 Board’s function to probe the mental processes by which the decision was reached, nor to substitute
24 its judgment for that of the agency when there is a showing of reasonable basis for such decision.

1 4.5 Here, Respondent contemplated the reorganization over a period of time, considered the
2 options that were available, sought input from the users of media services, and discussed the
3 reorganization with media services employees. The evidence and testimony presented support that
4 Respondent's decision to reorganize the media services was done in good faith. Respondent has
5 shown a reasonable basis for the reorganization. There is nothing in the record to support
6 Appellant's contention that Respondent implemented the reorganization for the purpose of
7 imposing discipline.

8
9 4.6 Respondent has met its burden of proof that Appellant's layoff was the result of a lack of
10 work and good faith reorganization for efficiency purposes. The appeal should be denied.

11 **V. ORDER**

12 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of Juan Serrano is denied.

13
14 DATED this _____ day of _____ 2000.

15 WASHINGTON STATE PERSONNEL APPEALS BOARD

16
17 _____
Walter T. Hubbard, Chair

18
19 _____
Gerald L. Morgen, Vice Chair

20
21 _____
Leana D. Lamb, Member

22
23
24
25
26
Personnel Appeals Board
2828 Capitol Boulevard
Olympia, Washington 98504
(206) 586-1481 or SCAN 321-1481